IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors:	Chirag D. Dalal; Ronald S. Karr
Title:	USING A SINGLE ALLOCATOR TO COORDINATE VOLUME TRANSFORMATIONS ACROSS VIRTUALIZATION LAYERS
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Examiner:	Zhuo H. Li (GAU 2185) Docket No.: VRT0126US

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REQUEST FOR A PRE-APPEAL BRIEF REVIEW

Applicant hereby requests review of the Final Office Action dated February 6, 2008 ("Final Office Action") and the Advisory Action dated April 22, 2008 ("Advisory Action") in the above-identified application. The Final Office Action sets a three-month shortened statutory period for reply. This Request is being filed concurrently with a Notice of Appeal. Claims 1-21 are pending in the application. Claims 1-21 stand rejected.

REMARKS

Rejection of Claims under 35 U.S.C. § 102

Claims 8-11 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,946,696 issued to Young ("Young"). *See* Final Office Action, p. 2. Applicants traverse this rejection.

Cited Objects are not Storage Objects

Regarding claim 8, the Final Office Action asserts that

> Young discloses a method comprising a computer system (200, figure 2) creating a first storage object (original object 100, figure 1A), wherein the first storage object is created to have a individual or collective properties (120, figure 1E and col. 3 lines 32-38, i.e., unmodified properties of object 100 including border, border size, font, text size, text justification and style)..."

See Final Office Action, pp. 2-3. Thus, the Final Office Action equates Young's original object 100, as shown in FIG. 1A, with the first storage object of claim 8. However original object 100 is not a storage object. Young states that original object 100 "is a text box displayed on a video display by a computer program." *See* Young 3:14-20. A person having ordinary skill in the art at the time of invention would not understand a text box displayed on a video display to be a storage object. A person having ordinary skill in the art would, for example, recognize hard disks, JBOD storage systems, RAID storage systems, data mirrors, etc. as storage objects.

In response to this argument the Final Office Action (pp. 8-9) and the Advisory Action (p. 2) assert that the claimed language needs to specifically define the term "storage object." Applicants assert that this is incorrect since Applicants rely upon the meaning a person having ordinary skill in the art would place upon the term. In addition, the Advisory Action seems to display a misunderstanding of the term "storage object." The Advisory Action asserts that "any object *being stored* in a memory can broadly read as a storage object." *See* Advisory Action, p. 2. (Emphasis Added.) As understood by a person having ordinary skill in the art, a storage object is not an object that is stored (which may be denoted a "stored object"), rather it is an object that, among other things, serves to store.

Thus, for at least the reason that Young's original object 100 fails to be a storage object, Applicants respectfully request the withdrawal of the rejection against claim 8. Since all other rejected claims are dependent upon claim 8, Applicants further request the withdrawal of the rejection of these claims.

Interpretation of Young not Logically Consistent

However, even if Young did teach creating a first storage object, it follows from the interpretation of Young asserted by the Final Office Action that the cited sections of Young cannot, in a *logically consistent* manner, teach both (1) the limitation of claim 8 that the "second storage object depends on the individual or collective properties of the one or more first storage objects" and (2) the limitation of claim 8 "that the second storage object can no longer depend on the individual or collective properties of the one or more first storage objects."

The Final Office Action asserts that Young discloses

> ...the computer system creating a second storage object (modified object 100, figure 1B) out of the first storage object, wherein the second storage object depends on the individual or collective properties of the first storage object (col. 3 lines 36-40, i.e., modified object having modified property list 122 including the same properties on border size font and text size as the original object), and the computer system receiving information that at least one of the individual or collective properties of the one or more first storage objects has changed (figure 1E and col. 3 lines 23-27, difference property list 124 indicates one of the individual or collective properties of the one or more first storage objects 120, including border, text, justification and style, has changed) and that the second object can no longer depend on the individual or collective properties of the one of more first storage object (figure 1E and col. 3 lines 40-45, i.e., each property that was modified contains the new value)...

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See Final Office Action, pp. 2-3. Thus, the Final Office Action equates Young's modified object 100 with claim 8's second storage object, and argues that, since Young's modified object 100 has modified property list 122, Young teaches the creation of a second storage object that depends on the individual or collective properties of the first storage object. Further, the Final Office Action asserts that, since certain properties of original object 100 were modified to obtain modified object 100 such that "each property that was modified contains the new value," Young teaches that the second object can no longer depend on the individual or collective properties of the one or more first storage objects.

However, Applicants point out that, according to Young, it is *simultaneously* true that (1) Young's modified object 100 has modified property list 122 and that (2) "each property that was modified contains the new value." *See* Young 3:23-45. Thus, according to the interpretation of Young asserted by the Final Office Action, it is *simultaneously* true that (1) Young teaches the creation of a second storage object that depends on the individual or collective properties of the first storage object and that (2) Young teaches that the second object can no longer depend on the individual or collective properties of the one or more first storage objects. Thus, the interpretation of Young asserted by the Final Office Action, leads to a contradiction. It cannot *simultaneously* be the case that a given storage object both depends and no longer depends upon a given property, set of properties, or any other thing. At any given time a storage object must either depend upon or not depend upon a thing. It cannot simultaneously do both.

Rejection of Claims under 35 U.S.C. § 103

Claims 1-5, 12-16 and 19-21

Claims 1-5, 12-16 and 19-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,826,600 issued to Russell ("Russell") in view of U.S. Patent No. 6,065,011 issued to Bulusu et al. ("Bulusu"). *See* Final Office Action, pp. 3-5. Applicants respectfully traverse this rejection.

The Proposed Modification of Russell Would Change Russell's Principle of Operation

Applicants assert that the modification of Russell proposed by the Final Office Action would result in an invention that fails to perform the function for which the invention of Russell was designed according to the principles of Russell. Thus the proposed modification runs contrary to the requirements of MPEP 2143.01 (VI), which states that "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious."

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As most recently affirmed in the Advisory Action, it is proposed "to modify Russell in having the second storage comprising a component storage object and the computer system choosing the first storage object to be the component storage object . . . ." *See* Advisory Action, p. 3. That this proposed modification of Russell would change Russell's principle of operation follows from the facts that (1) the Final Office Action equates Russell's local object specification 150 with the first storage object of claim 1 and Russell's global object specification 160 with the second storage object of claim 1 (*see* Final Office Action p. 4), and (2) Russell teaches against global object specification 160 comprising local object specification 150. Russell teaches against global object specification 160 comprising local object specification 150 since Russell requires that local identification 152 of local object specification 150 be replaced with global object specification 162 to create global object specification 160. *See* Russell 14: 4-54, especially lines 46-50. Thus, global object specification 160 cannot comprise local object specification 150 since Russell teaches that global object specification 160 fails to comprise *at least some part* of local object specification 150, namely local identification 152. Thus, the invention disclosed in Russell would fail to perform, according to the principles of Russell, the function for which the invention of Russell was designed if Russell was modified such that the first storage object (local object specification 150) was chosen to be the component storage object which the second storage object (global object specification 160) comprises.

Reacting to Applicants' argument given above, the Final Office Action stated:

> . . . Russell clearly teaches to copy all the object properties from each respective local object definition into a set of respective global object properties in newly defined respective set of global object definitions (col. 14 lines 22-28). Thus, the global object definitions of Russell obviously comprise local object definitions and the claimed invention are taught by the combination of Russell and Bulusu.

See Final Office Action, pp. 10-11. However, the Final Office Action seems to be confusing Russell's object properties 153 and 163 with Russell's object identifications 152 and 162, or the

Final Office Action seems to have misunderstood Applicants' argument. Applicants argue that it follows from the fact that Russell's global object specification 160 fails to comprise Russell's local object identification 152 that Russell's global object specification 160 cannot comprise Russell's local object specification 150 since Russell's local object specification 150 comprises Russell's local object identification 152. Thus, even if Russell's global object specification 160 comprises all of Russell's object properties 153, Russell's global object specification 160 would still fail to comprise Russell's local object specification 150 since it still fails to comprise Russell's local object identification 152.

Applicants note that Applicants' argument holds regardless of whatever teachings may be contained in Bulusu. Applicants' point is simply that Russell cannot be modified in the proposed manner regardless of whatever other teachings are to be found anywhere in the prior art.

Request for Reconsideration and Withdrawal

Thus, for at least the reasons stated above, Applicants request the reconsideration and withdrawal of this rejection against claim 1. Likewise, since independent claims 12, 19, 20, and 21 are rejected for the same reasons as claim 1 (*see* Final Office Action, pp. 6 and 7) Applicants respectfully request the reconsideration and withdrawal of the rejection of claims 12, 19, 20, and 21. Finally, since all remaining rejected claims are dependent upon one of the independent claims 1, 12, 19, 20, and 21, Applicants respectfully request the reconsideration and withdrawal of the rejection against all remaining rejected claims.
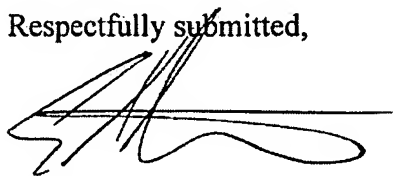
Claims 6-7 and 17-18

Claims 6-7 and 17-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,826,600 issued to Russell ("Russell") in view of U.S. Patent No. 6,065,011 issued to Bulusu et al. ("Bulusu"), and further in view of U.S. Patent Application No. 2003/0229698 issued to Furuhashi et al. ("Furuhashi"). *See* Final Office Action, p. 7. Applicants respectfully traverse this rejection on the grounds that claims 6-7 and 17-18 are dependent upon one of allowable base claims 1 and 12. Therefore Applicants respectfully request the withdrawal of this rejection.

CONCLUSION

For at least the forgoing reasons, all pending claims are allowable under §§ 102 and 103.

Respectfully submitted,

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